

J60TPOL6

Charge

1 the indictment unless one of the conspiracies proved happens to
2 be the conspiracy charged in the indictment. For the purposes
3 of this instruction, I instruct you that the conspiracy charged
4 in the indictment is a narcotics conspiracy centered in or
5 around Decatur Avenue in the Bronx between approximately 194th
6 and 195th Streets, which included, among other people, Rene
7 Ruiz, Wilfredo Gonzalez, also known as "Freddy," Domingo Ramos,
8 also known as "Mingo," Amar Ahmed, also known as "Omar," Zaie
9 Escribano, also known as "Zaieto," Christopher Correa, also
10 known as "Chris," Joshua Kemp, as known as "Drop," Joseph
11 Thristino, also known as "Joey," and the defendant, Jason
12 Polanco.

13 A single conspiracy is not transformed into multiple
14 conspiracies, however, merely by virtue of the fact that it may
15 involve two or more phases or spheres of operation, so long as
16 there is sufficient proof of mutual dependence and assistance.
17 Changes in the membership or differences in time periods do not
18 necessarily require a finding of multiple conspiracies. A
19 finding of a master conspiracy that includes other subschemes
20 does not constitute a finding of multiple unrelated
21 conspiracies. Even when there are multiple groups within an
22 alleged conspiracy, a single conspiracy exists where the groups
23 share a common goal and depend on or assist each other, and
24 where it can reasonably be inferred that each actor was aware
25 of his part in a larger organization where others performed

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1 similar roles.

2 In determining whether a series of events constitutes
3 a single conspiracy or a separate and unrelated conspiracy, you
4 should consider whether there's a common goal among the alleged
5 conspirators, whether there existed common or similar methods,
6 whether and to what extent alleged participants overlapped in
7 their various dealings, whether and to what extent the
8 activities of the alleged conspirators were related and
9 interdependent, how helpful each alleged conspirator's
10 contributions were to the goal of the others, and whether the
11 scheme contemplated a continuing objective that anticipating
12 ongoing contributions from the conspirators.

13 A single conspiracy may exist even if all the members
14 did not know each other or of each other's involvement or did
15 not know what role all the other members would play. You may
16 find that there was a single conspiracy even if there were
17 changes in personnel, addition or subtraction of members, or
18 evolution of the activities undertaken by conspirators, so long
19 as you find that some core members continued to act to
20 accomplish one or more of the purposes charged in the
21 indictment through its existence. The fact that members of a
22 conspiracy are not always constant does not necessarily imply
23 that separate conspiracies exist.

24 Turning to C2, first element, the objects of the
25 conspiracy. I'm now going to turn to the objects of the

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1 conspiracy. The objects of the conspiracy are the illegal
2 goals that the conspirators agree or hoped to achieve. Here
3 the indictment allege two objects related to the distribution
4 of heroin and marijuana. In order to find the defendant guilty
5 of the conspiracy charged in the indictment, you must find that
6 an objective of the conspiracy was to distribute or to possess
7 with the intent to distribute a controlled substance. Heroin
8 and marijuana are both controlled substances.

9 The government need not prove both of the objects
10 charged beyond a reasonable doubt. In other words, an
11 agreement to accomplish either of the objects of the conspiracy
12 is sufficient. Nevertheless, if you don't find beyond a
13 reasonable doubt that both of those objects were proven, you
14 must be unanimous as to the object you do find. That is, in
15 order to find the defendant guilty of this count, you must all
16 be in agreement with respect to at least one of the alleged
17 objects of conspiracy.

18 If the government fails to prove beyond a reasonable
19 doubt that at least one of the objects charged in the
20 indictment was in fact an object of the conspiracy, then you
21 must find the defendant not guilty. If, on the other hand, you
22 find that the government has proved beyond a reasonable doubt
23 that there is a conspiracy with one or more of the objects
24 charged, then the illegal object element is satisfied.

25 Turning now to the meaning of "distribution" and